

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Fleming, James A. #150479,

Plaintiff,

v.

Medical Nurse, SCDC, William Brown, Ofc
L. Williams, Ofc. E. Tyler, Bernard McKie,
Warden and Robert Ward, acting Director,
in their individual and official capacities,

Defendants.

C/A NO.: 9:13-3377-DCN-BM

**DEFENDANTS' MOTION FOR
EXTENSION TO FILE AND SERVE
RESPONSIVE PLEADING**

Now comes the undersigned counsel for the Defendants, who respectfully requests a twenty-one (21) day extension to file and serve their responsive pleading, which is currently due March 19, 2014. [ECF Entry No. 15]. In filing this motion, the undersigned specifically reserves Defendants' rights to raise any and all defenses by Answer or motion and does not consent, but specifically asserts lack of personal jurisdiction over any defendant not employed by the South Carolina Department Corrections at the time of service and, specifically, Defendant Medical Nurse whose Summons was returned unexecuted. [ECF Entry No. 16].

The undersigned seeks the extension to properly investigate the allegations in the Complaint prior to filing a responsive pleading.

The undersigned seeks the extension as allowed by Local Civil Rule 12.01 and maintains that securing an extension from the *pro se* Plaintiff would be impractical due to time and communication constraints. The undersigned has not consulted with the *pro se* Plaintiff as permitted by Local Civil Rule 7.02.

The proposed new deadline for the Defendants served in this matter would be April 9, 2014. This is the Defendants' first request for an extension.

RILEY POPE & LANEY, LLC

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March 18, 2014